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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Toshiya DAIKYO et al.

: **Mail Stop: PCT**

Serial No. 10/595,090

: Attorney Docket No. 2006\_0042A

Filed February 7, 2006

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[Corresponding to PCT/JP2004/011682  
Filed August 6, 2004]

**SUBMISSION OF ENGLISH VERSIONS OF INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY AND WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for consideration by the Examiner are:

- 1) An English version of the International Preliminary Report on Patentability; and
- 2) An English version of the Written Opinion of the International Searching

Authority.

Respectfully submitted,

Toshiya DAIKYO et al.

By

  
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July 6, 2006

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

Date of mailing (day/month/year)  
18 May 2006 (18.05.2006)

To:

TASHIRO, Kazuo  
Toranomon Hamasaki Bldg.  
2-16, Toranomon 1-chome  
Minato-ku, Tokyo 105-0001  
JAPON

Applicant's or agent's file reference  
PCT-04-0001

**IMPORTANT NOTIFICATION**

International application No.  
PCT/JP2004/011682

International filing date (day/month/year)  
06 August 2004 (06.08.2004)

Applicant

KANEBO, LTD. et al

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

**2. Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

**It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.**

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Masashi Honda

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 70 10

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference <b>PCT-04-0001</b>	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. <b>PCT/JP2004/011682</b>	International filing date ( <i>day/month/year</i> ) <b>06 August 2004 (06.08.2004)</b>	Priority date ( <i>day/month/year</i> ) <b>11 August 2003 (11.08.2003)</b>	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant <b>KANEBO, LTD.</b>			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report <b>08 May 2006 (08.05.2006)</b>
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Authorized officer
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<b>Masashi Honda</b>
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PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION  
PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference <b>PCT-04-0001</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/JP2004/011682</b>	International filing date (day/month/year) <b>06.08.2004</b>	Priority date (day/month/year) <b>11.08.2003</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>KANEBO, LTD.</b>		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/011682

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material  
 in written format  
 in computer readable form
  - c. time of filing/furnishing  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/011682

Box No. IV      Lack of unity of invention

1.  In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:  
 paid additional fees  
 paid additional fees under protest  
 not paid additional fees
2.  This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:  
 complied with  
 not complied with for the following reasons:

The subject matters of claims 1-11 relate to a paper package, and the subject matters of claims 2-14 relate to a straw. Thus, there is no subject matter common to the two groups of claims.
4. Consequently, this opinion has been established in respect of the following parts of the international application:  
 all parts  
 the parts relating to claims Nos. \_\_\_\_\_

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/011682

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p><b>1. Statement</b></p> <table> <tr> <td>Novelty (N)</td> <td>Claims</td> <td>1 - 14</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td>12 - 14</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1 - 11</td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>1 - 14</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> </table>			Novelty (N)	Claims	1 - 14	YES		Claims		NO	Inventive step (IS)	Claims	12 - 14	YES		Claims	1 - 11	NO	Industrial applicability (IA)	Claims	1 - 14	YES		Claims		NO
Novelty (N)	Claims	1 - 14	YES																							
	Claims		NO																							
Inventive step (IS)	Claims	12 - 14	YES																							
	Claims	1 - 11	NO																							
Industrial applicability (IA)	Claims	1 - 14	YES																							
	Claims		NO																							
<p><b>2. Citations and explanations:</b></p> <p>Claims 1-11</p> <p>The following documents are cited in the ISR:</p> <p>Document 1: JP, 3-30261, Y2 (Toppan Printing Co., Ltd.), 26 June, 1991 (26.06.91), column 6, lines 10-15 (Family: none)</p> <p>Document 2: JP, 45-17867, B2 (Taiyo Paper Works Co., Ltd.), 19 June, 1970 (19.06.70), Figs. 1 and 2 (Family: none)</p> <p>Document 1 describes the constitution in which the equivalents to the "upper triangular projections" of the subject matters of the above claims are bonded. Further, document 2 describes the "folds" of the subject matters of the above claims.</p> <p>Claims 12-14</p> <p>The following documents are cited in the ISR:</p> <p>Document 3: Microfilm of the specification and drawings annexed to the written application of Japanese Utility Model Application No. 1-13428, U (Laid-open No. 2-105776) (Sachiko Tsunoda), 22 August, 1990 (22.08.90), Figs. 1-7 (Family: none)</p> <p>The invention described in document 3 does not define the total area of the openings in a similar manner to the subject matters of the above claims, and the object contained in the invention does not correspond to the viscous fluid. These points are not obvious, either.</p>																										